IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 28655 of 2005(J)

AGAINST THE ORDER IN E.A.1185/05 IN EP.630/03 IN OS.680/1999 of PRL.SUB COURT,THRISSUR

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PETITIONER:

P.R.PRAKSHAN, S/O.P.RAMAN, AGED 47 YEARS
PAMBUMKATTIL HOUSE, MINOR ROAD, NADATHARA P.O.
THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENT:

THE KSHEMAVILASAM KURI COMPANY LTD.,
THRISSUR, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.JIMMY JOHN VELLANIKARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 28655/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE EXECUTION PETITION BEFORE THE SUB COURT, THRISSUR IN E.P.630/03 IN O.S.NO.680/99.

EXT.P2: TRUE COPY OF THE COUNTER FILED BY THE JUDGMENT DEBTORS IN EXT.P1 PROCEEDINGS.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.28655 of 2005

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Dated: 15th June, 2007

JUDGMENT

In this Writ Petition the petitioner who is the judgment-debtor in a mortgage decree prays that the execution court be directed to serve him with copy of the order dated 13.7.2005 in E.A.No.1185/05. He also prays that all proceedings for confirming the sale and in pursuance to the sale be put off. It is seen that E.A.No.1185/05 was an application for adjournment of sale. That E.A. was allowed by the execution court on condition that the petitioner deposits a sum of Rs.50,000/- within 20 days. While admitting the Writ Petition this court granted an interim stay of the impugned order on condition that the petitioner deposits before the execution court a sum of Rs.50,000/- within 10 days from 7.10.2005. I am informed by the counsel on both sides that the above condition was complied with. On going through the grounds raised it is seen that the ground which is seriously raised is that the property has now been sold for an amount which is far below the market price of the property. It appears to me that the petitioner is only praying for time to pay off the decree debt. Mr.Jimmy John vellanikaran, counsel for the respondent submits that the respondent is a reputed institution and that they are not at all

enthusiastic in retaining the petitioner's property and will be willing to reconvey the property provided all the amounts due to them are paid within a reasonable time. The petitioner sought for instalment facility since Rs.50,000/- is already paid off.

2. Considering the rival submissions made, I dispose of the Writ Petition issuing the following directions:

The order of stay presently passed will continue for a period of seven more months from today. In the meanwhile it is open to the petitioner to pay off whatever amounts are due to the respondent-decree-holder on account of the decree and also on account of the subsequent purchase of the property in court auction. At any rate the order of stay will not continue beyond seven months.

srd **PIUS C.KURIAKOSE, JUDGE**